

## MEMORANDUM

### RECOMMENDATION FOR CLOSURE

TO: Daron L. Calhoun, Director

CHARGE NO. 438-2021-00155

FROM: Charles Hernandez, Investigator

SUBJECT: Stacey R Washington  
*Charging Party*

v. Dominion Energy  
*Respondent*

I recommend dismissal/closure of the subject charge based on the following:

- |  |  |
|--|--|
| <input type="checkbox"/> Failure to State a Claim        | <input type="checkbox"/> Settlement/Mediation (Including withdrawals with benefits and successful conciliations)               |
| <input type="checkbox"/> No Covered ADA Disability       | <input type="checkbox"/> Withdrawal without Benefits   |
| <input type="checkbox"/> Too Few Employees/Members       | <input type="checkbox"/> Right to Sue (Issued on Request)  |
| <input type="checkbox"/> Untimely                        | <input type="checkbox"/> Director must certify: processing unlikely to be completed within 180 days of filing (Title VII/ADA). |
| <input checked="" type="checkbox"/> Not Reasonable Cause |  |
| <input type="checkbox"/> Other _____                     |  |

Specific information in support of recommendation/decision:

Charging Party alleges discrimination based on her sex and disability in that she was subjected to different terms and conditions and retaliated against for engaging in protected activity.

Respondent Rebuttal:

CP was hired as a Ground Worker in 2015 and then promoted to Overhead Line Worker in 2017. CP needed to complete a 60 month 10 step training program. CP had problems completing step 5 and chose to retrain. CP had a difficult time completing the required training because she took a lot of time off. CP's pay was still increased to step 8 without completing the training. CP resigned after being informed that she did not pass step 5. CP was not treated differently than any other employee. She was treated better by being advanced pay for steps when she had not completed them.

Analysis:

R provided information to indicate that CP was not subjected to different terms and conditions based on any of her protected status. CP could not complete a training program satisfactorily because of her disability, was given additional time for training, could not pass a step and resigned. R continued to give her pay raises while she was out until she resigned. Although CP complained of protected activity, R did not take an adverse employment action because she engaged in protected activity. R provided LNDP for their actions.

Therefore, I recommend that this charge be dismissed and the notice of right to sue be issued in accordance with PCHP, and Section 29 CFR 1601.19 (a) of the Procedural Regulations.

Decision by/  
Recommendation approved by:

**Charles Hernandez** Digitally signed by Charles Hernandez  
Date: 2023.07.28 13:34:31 -04'00'  
(Signature) (Date:)

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